



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gilbert W. McKenna  
Serial No: 10/678,610  
Filing Date: 03 October 2003  
Title: POTTER-BUCKY GRID WITH COUNTER-WEIGHT  
Art Unit: 2882  
Examiner: Church, Craig E.  
Confirmation No. 9424  
Docket No: 56229-160 (ANAK-225)

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date: 15 May 2006

Erin M. Olson  
Erin M. Olson

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Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 C.F.R. §1.181**

Sir:

Applicant respectfully petitions for the Office to withdraw the holding of abandonment based on failure to pay the required Issue and Publication fees in connection with the above-referenced application. As explained in the following statements, Applicant's attorneys timely filed form PTOL-85, Part B (FEES TRANSMITTAL) for the application, with authorization to charge deposit account No. 50-1133 for the required fees, and consequently the application should not be considered abandoned.

On 17 November 2005, the Office mailed a Notice of Allowance and Fee(s) Due (form PTOL-85, including Part B) for the above-referenced application. Payment of the Issue and Publication Fees for the subject application and return of the PTOL-85B form was required by 17 February 2006.

In response to the Notice of Allowance and Fee(s) Due, the Applicant's attorneys submitted the referenced form PTOL-85B (a true copy of which is attached as Exhibit A), to the Office by facsimile on 18 January 2006, along with another form PTOL-85B for a different application of the Applicant (ANAK-243, in reference to Application no. 10/758,313, now Patent No. 7,020,233, which issued March 28, 2006). The referenced facsimile coversheet indicated a total of three pages being sent: one for the coversheet and one each for the respective PTOL-85B forms. Part (4a) of the submitted PTOL-85B form for the subject application included that the Issue Fee and Publication Fee were enclosed; Part (4b) of the form included authorization for the Director to charge Deposit Account No. 50-1133 for the required fees, i.e., the Issue and Publication Fees. A single facsimile coversheet was used for the submission of both referenced PTOL-85B forms, indicating the Applicant's two separate applications by docket number (ANAK-225 and ANAK-243).

On 18 January 2006, Applicant's attorneys received confirmation from their facsimile machine that the transmission of the coversheet and both PTOL-85B forms to the Office was successful (a true copy of which is attached as Exhibit B). This facsimile confirmation indicates a total of three pages sent (successfully) to the Office and shows the referenced facsimile coversheet.

An Auto-Reply Facsimile Transmission (a true copy of which is attached as Exhibit C) was received from the Office on 18 January 2006, immediately after transmittal of the referenced PTOL-85B forms and referenced coversheet. The Auto-Reply Facsimile Transmission indicates that the Office received three pages of facsimile transmission and also shows the referenced facsimile coversheet indicating both of Applicant's applications.

In response to receiving PTOL-85B for Applicant's ANAK-243 application (no. 10/758,313, now Patent No. 7,020,233), the Office charged Deposit Account No. 50-1133 for the Issue and

Serial No. 10/678,610  
Petition to Withdraw Holding of Abandonment Under 37 CFR § 1.181  
Reply to Notice of Abandonment  
Date: 15 May 2006

Publication fees. No such fees have been charged for the subject application, despite the fact that the referenced PTOL-85B form for the subject application was concurrently submitted with the similar form for Applicant's ANAK-243 application and was received by the Office as indicated by the referenced Auto-Reply Facsimile Transmission. Further, on 10 May 2005, Applicant's attorneys received a Notice of Abandonment (mailed 05 May 2006) from the Office in connection with the subject application.

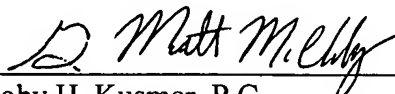
Since the Applicant's attorneys timely submitted the transmittal form (PTOL-85B) for the subject application with instructions to charge the required Issue and Publication fees to Deposit Account No. 50-1133, the subject application should not be considered as abandoned.

For the foregoing reasons, Applicant respectfully petitions for the Office to withdraw the holding of abandonment based on failure to pay the required Issue and Publication fees in connection with the above-referenced application. Applicant further requests that the Issue and Publication fees for the application be charged to Deposit Account No. 5-1133, as originally requested, and that the corresponding patent be issued by the Office.

The Commissioner is hereby authorized to charge any fees that are required for the subject application, or credit any overpayment, to Deposit Account No. 50-1133.

Respectfully submitted,  
McDERMOTT, WILL & EMERY LLP

Date: 15 May 2006

  
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## PART B - FEE(S) TRANSMITTAL



Complete and send this form, together with

applicable fee(s), to: Mail

Mail Stop ISS FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. If other correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated on the corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

11/17/2005

Toby H. Kusmer, Esq.  
McDERMOTT, WILL & EMERY  
28 State Street  
Boston, MA 02109

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmittal

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Erin M. Olson

(Depositor's name)

Erin M. Olson

(Signature)

18 January 2006

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,610	10/03/2003	Gilbert W. McKenna	56229-160(ANAK-225)	9424

TITLE OF INVENTION: POTTER-BUCKY GRID WITH COUNTER-WEIGHT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	02/17/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHURCH, CRAIG E	2882	378-155000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, **McDERMOTT WILL & EMERY LLP**

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2 \_\_\_\_\_  
3 \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Analogic Corporation

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Peabody, MA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☒ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number **50-1133** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date

1/18/06

Typed or printed name

Toby H. Kusmer

Registration No. 26,418

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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\*\*\* TX REPORT \*\*\*  
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TX/RX NO 3220  
RECIPIENT ADDRESS 80562300605915712732885  
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ST. TIME 01/18 15:53  
TIME USE 01'14  
PAGES SENT 3  
RESULT OK

## McDermott Will & Emery

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Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C.

### FACSIMILE

Date: 18 January 2006

Time Sent:

<b>To:</b>	<b>Company:</b>	<b>Facsimile No:</b>	<b>Telephone No:</b>
	USPTO	1-571-273-2885	
<b>From:</b>	Toby H. Kusmer	<b>Direct Phone:</b>	617.535.4065
<b>E-Mail:</b>	tkusmer@mwe.com		
<b>Sent By:</b>	Erin Olson	<b>Direct Phone:</b>	617.535.3953
<b>Client/Matter/Tkpr:</b>		<b>Original to Follow by Mail:</b>	No
	ANAK-225 and ANAK-243	<b>Number of Pages, Including Cover:</b>	3

**Message:**

## Auto-Reply Facsimile Transmission

RECEIVED

JAN 19 2006

MW & E



TO:

Fax Sender at 1 617 535 3800

Fax Information

Date Received:

Total Pages:

1/18/2006 3:54:39 PM [Eastern Standard Time]

3 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

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1/18/2006 15:53 FAX 1 617 535 3800 MCDERMOTT WILL & EMERY 0001/0003			
<b>McDermott Will &amp; Emery</b>			
Boston Brussels Chicago Düsseldorf London Los Angeles Miami Milan Munich New York Orange County Rome San Diego Silicon Valley Washington D.C.			
<b>FACSIMILE</b>			
Date: 18 January 2006		Time Sent:	
To:	Company:	Facsimile No:	Telephone No:
	USPTO	1-571-273-2885	
From:	Toby H. Kusmer	Direct Phone:	617.535.4065
E-Mail:	tkusmer@mwec.com		
Sent By:	Erin Olson	Direct Phone:	617.535.3953
Client/Matter/Topic:	ANAK-225 and ANAK-243	Original to Follow by Mail:	No
		Number of Pages, Including Cover:	3
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